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charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors."^{7/}

A defendant must do more than speculate about how the identity of the informant will be relevant to a defense or be essential to a fair trial.^{8/} Rather, the plaintiff must "adduce some evidence" of the defense or need "before the government is called upon to disclose to the defendant identity of an informant . . . (unless it may be subject to *Brady* disclosure requirements)."^{9/}

Here, Rodriguez says that because "[d]iscoverable information in this case reveals that this informant was an active participant in the alleged criminal activity," "it is crucial to the defense to discover the informant's identity and directly discuss with him the instructions and inducements by the DEA, FBI or others, or any payment for his services."^{10/}

Defendant also says that the informant "is the only witness in a position to amplify or contradict the testimony of government witnesses regarding [his] knowledge of or involvement in this case" should Defendant choose not to testify at trial.^{11/}

Defendant Rodriguez does not satisfy his burden to require the United States to disclose the identity of the informant. First, the Court observes that Defendant's arguments in favor of disclosure would be true every time an informant is also a member of the conspiracy. In each case, the informant would be the only witness in a position to amplify or contradict the testimony of prosecution witnesses should the defendant not testify. And whether and how much an informant

^{7/}*Id.* at 62.

^{8/}[*Sharp*, 778 F.2d at 1186](#) (quoting [*United States v. Jiles*, 658 F.2d 194, 197 \(3d Cir. 1981\)](#)).

^{9/}*Id.* at 1187.

^{10/}Doc. [84](#) at 2.

^{11/}*Id.*

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was paid or instructed is always an issue for credibility and a potential defense of entrapment.

But more importantly, Rodriguez's arguments do not rise to the level the Supreme Court and the Sixth Circuit require to require disclosure. Rodriguez does not present any evidence of a specific defense he plans to raise using the identity of the informant.^{12/} Without such evidence, the Court cannot determine that the identity is relevant to any defense or essential to a fair trial nor that an *in camera* review of the informant's identity is warranted.^{13/}

At this time, the Court will not order the United States to disclose the identity of any informants. However, Defendant Rodriguez may renew this motion should he become able to make a specific showing as to how he needs any informant's name. And the Court notes that the United States may need to disclose some informant information due to its obligations under *Brady v. Maryland*^{14/}, *Giglio v. United States*^{15/}, and the Jencks Act.^{16/}

Therefore, the Court **DENIES** the motion to order disclosure of informant information without prejudice.

IT IS SO ORDERED

Dated: July 17, 2014

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{12/}The Court also notes the United States's remark that Rodriguez does not identify which informant Rodriguez wishes to interview. See Doc. [204](#) at 4.

^{13/}See [Sharp](#), 778 F.2d at 1187.

^{14/}[373 U.S. 83 \(1963\)](#).

^{15/}[405 U.S. 150 \(1972\)](#).

^{16/}[18 U.S.C. § 3500](#).